

INTRADEPARTMENTAL CORRESPONDENCE

August 19, 2020
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: UNINTENTIONAL DISCHARGE (NON-TACTICAL), FID NO. 051-19

Honorable Members:

The following is my review, analysis, and findings for Non-Tactical Unintentional Discharge (NTUD), Categorical Use of Force (CUOF), Force Investigation Division (FID) No. 051-19. On August 3, 2020, this case was presented to the Chair of the Use of Force Review Board (UOFRB) who considered the totality of the circumstances surrounding the incident and made recommendations as to the outcome.¹

I have reviewed and adopted the recommendations from the Chair of the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY²

On October 23, 2019, Sergeant C. Yzaguirre, Serial No. 27097, Metropolitan Division (Metro), Crime Impact Team (CIT), was working in plainclothes, equipped with a tactical ballistic vest, driving a Dodge Charger, black in color, dual-purpose police vehicle (**Additional Tactical Debrief Topics – Securing Firearm and Additional/Equipment – Securing TASER on Tactical Vest**).³

According to the FID investigation, Sergeant Yzaguirre and Officers J. Malik, Serial No. 34652, J. Hackman, Serial No. 38575, J. Lopez, Serial No. 39003, J. Luna, Serial No. 34651, J. Punzalan, Serial No. 38812, T. Jang, Serial No. 38902, R. Rodriguez, Serial No. 38654, A. Bustamante, Serial No. 40558, E. Guerrero Serial No. 36315, C. Wright, Serial No. 37914, and M. Nies, Serial No. 40113, Metro CIT, were conducting a pre-planned plainclothes surveillance of H. Lachman, a named Assault with a Deadly Weapon (ADW) suspect, at

¹ Los Angeles Police Department Manual, Vol. 2/092.50, states “The Chair, UOFRB, may, at his or her discretion, choose not to convene the Board for accidental discharge of firearm incidents not resulting in injuries AND occurring in the presence of Department employees only AND not involving law enforcement action.”

² The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

³ At the time of incident, Sergeant Yzaguirre had approximately 30 years of service with the Department. Sergeant Yzaguirre had been a supervisor assigned to Metro CIT for approximately 4 years and 5 months.

8001 Windsford Avenue, in the City of Los Angeles, with the intent of locating and arresting Lachman pursuant to Division of Records No. 19-1422597. Officers Nies and Wright were in full police uniform, driving a marked black and white police vehicle. Officers Nies and Wright were designated as the uniformed arrest team (**Additional/Equipment – Operation Plan and Required Equipment**).

According to Sergeant Yzaguirre, on October 22, 2019, he participated in a Metro firearms training day. At the completion of the training, Sergeant Yzaguirre loaded his Department issued Colt M4, 5.56mm rifle, to a “patrol ready” condition and secured his rifle in the interior rifle storage rack of his Department issued dual-purpose police vehicle⁴ (**Additional/Equipment – Rifle Magazine Markings and Rifle Loading Standards**).

According to Sergeant Yzaguirre, on the day of incident, he observed Lachman leave his residence in a black Ford F-150 pick-up truck. Due to Lachman leaving his residence, the Metro CIT initiated a vehicle following of Lachman. Sergeant Yzaguirre contacted Communications Division (CD) and requested an Air Unit to assist in the following, but was advised by CD that the Air Unit was currently assisting another unit and was unable to respond (**Additional Tactical Debrief Topics – Back-Up Request**).

When Sergeant Yzaguirre and Officers Lopez, Luna, Nies, and Wright approached the intersection of Sepulveda Boulevard and La Tijera Boulevard, Officers Wright and Nies initiated a high-risk vehicle pull-over of Lachman. Lachman immediately pulled into the parking lot of nearby Ralph’s grocery store located at 8801 Sepulveda Boulevard. Sergeant Yzaguirre did not update his status or relay his units’ correct location to CD (**Additional Tactical Debrief Topics – Updating Status**).

As Sergeant Yzaguirre entered the intersection of Sepulveda Boulevard and La Tijera Boulevard, he stopped his police vehicle and blocked traffic. Sergeant Yzaguirre allowed the remaining members of the Metro CIT surveillance team to pass through the intersection to maintain position with the arrest team in the marked black and white police vehicle. According to Sergeant Yzaguirre, he released his rifle from the interior rifle storage rack in his police vehicle and then chambered a round into his rifle by pulling the charging handle back and then sending it forward into battery. Sergeant Yzaguirre left his rifle with its muzzle facing down to the floor board of his police vehicle and the stock resting on the front passenger seat of the police vehicle (**Additional Tactical Debrief Topics – Chambering a Round in a Rifle While Seated in Police Vehicle**).

After placing his rifle on his front passenger seat, Sergeant Yzaguirre attempted to drive through the intersection to rejoin the Metro CIT units who were conducting the high-risk vehicle pull-over of Lachman. Due to traffic in the area, Sergeant Yzaguirre’s response was momentarily delayed. When Sergeant Yzaguirre stopped his police vehicle at the termination of the vehicle following, he attempted to both maintain visual contact with his team members and secure his rifle into the vehicle interior rifle storage rack. Sergeant Yzaguirre did not download

⁴ Patrol ready condition designates that the firearm’s magazine is loaded and the chamber of the firearm is empty.

the chambered round from his rifle prior to attempting to secure his rifle in the rifle storage rack. On his first attempt, the rifle did not securely enter the rifle storage rack and fell forward towards the dashboard of the police vehicle. Sergeant Yzaguirre stopped the forward movement of the rifle with both his hands; left hand on the receiver, where the selector switch/safety is located, and right hand on the handguard (**Additional Tactical Debrief Topics – Firearms Manipulations**).

Sergeant Yzaguirre attempted to place the rifle into the rifle storage rack for a second time and maintained his grip on the rifle as described above; Sergeant Yzaguirre's left hand was on the receiver and his right hand was on the handguard. Upon placing the rifle into the rifle storage rack and ensuring the trigger post adapter was placed in the trigger guard, a round was discharged from the rifle and exited through the roof of his vehicle resulting in a NTUD (**Unintentional Discharge**).

Note: The FID investigation revealed that the rifle storage rack in the police vehicle had an extended trigger post adapter that protruded into the trigger guard of the rifle when secured. Therefore, when the round was loaded into the chamber of the rifle with the safety disengaged and the rifle was placed into the rifle rack, there was an increased potential for a NTUD. The NTUD was the result of the safety being disengaged on the rifle in conjunction with the trigger being pressed against the extended trigger post as the rifle was being placed into the rifle rack.⁵

The rifle was inspected by a Department Armorer and was found to be in good mechanical condition. All safeties were in place and working properly. The trigger pull weight was within factory specifications.

According to the FID investigation, immediately after the NTUD Sergeant Yzaguirre exited his police vehicle and advised the members of his Metro CIT team of the NTUD. The members of the Metro CIT team were in the process of placing Lachman under arrest and Sergeant Yzaguirre stood by his police vehicle until the arrest was completed without incident.

According to Sergeant Yzaguirre, after Lachman was placed in the black and white police vehicle, Sergeant Yzaguirre ordered the Metro CIT officers to canvass the area for any people who may have been injured as a result of the NTUD and to monitor their mobile data computer (MDC) for any shots fired or shooting radio calls generated as a result of the NTUD. Sergeant Yzaguirre had his team secure the area as a crime scene and awaited the arrival of uninvolved supervisors and FID investigators. While waiting for FID investigators, Sergeant Yzaguirre took photos of Lachman's truck, the police vehicles involved in the arrest of Lachman, and the uninvolved vehicles that were parked nearby. The photographs were turned over to FID and Technical Investigation Division (TID) investigators upon their arrival. The photographs were

⁵ On September 19, 2019, investigators assigned to FID and the Patrol Rifle Tactical Shotgun Unit, were able to recreate the circumstances surrounding the NTUD. The reenactment used another officer's privately-owned Patrol Rifle and confirmed that placing a Patrol Rifle into the Department approved rifle rack with the safety disengaged in the "Off" position could result in the trigger being depressed if it encountered the extended trigger post adapter. The safety should be placed in the "On" position, with the Patrol Rifle chamber empty, in a patrol ready status.

stored at TID under Digital Media No. 0395867 (**Additional Tactical Debrief Topics – Utilization of Personal Camera**).

After the scene of the NTUD had been secured and it had been verified that there were no injuries due to the NTUD, Sergeant Yzaguirre contacted Lieutenant R. Murphy, Serial No. 30990, Metropolitan Division, and advised him of the NTUD incident.

According to the FID investigation, after being advised of the NTUD by Sergeant Yzaguirre, Lieutenant Murphy notified Officer J. Sopko, Serial No. 38299, Department Operations Center. Lieutenant Murphy also dispatched Sergeants E. Day, Serial No. 30990, A. Rainey, Serial No. 35031, and O. Ramos, Serial No. 30916, Metro, to the scene of the NTUD. Officer Sopko notified Lieutenant B. Reynolds, Serial No. 35772, FID, of the NTUD.

According to Sergeant Rainey, upon arrival at the scene of the NTUD, he declared himself Incident Commander.

According to Sergeant Day, upon arrival at the scene of the NTUD, Sergeant Day obtained Sergeant Yzaguirre's Public Safety Statement (PSS) and assumed monitoring duties of Sergeant Yzaguirre. Sergeant Day then transported Sergeant Yzaguirre to Pacific Division (PAC), Community Police Station (CPS). Sergeant Day was relieved of his monitoring duties of Sergeant Yzaguirre by Sergeant M. Gibbens, Serial No. 31055, Metro, in the rear parking lot of PAC CPS.

Sergeant Gibbens continued monitoring Sergeant Yzaguirre until relieved by FID investigators.

Sergeant Ramos obtained a PSS from each of the "heard only" witnessing officers, and assumed monitoring duties of Officers Wright, Nies, Luna and Lopez. Sergeant Ramos was relieved of his monitoring duties for Officers Nies, Lopez and Wright by Sergeant C. Langsdale, Serial No. 38006, Pacific Patrol Division.

Sergeant Langsdale transported Officers Nies, Lopez, and Wright to PAC, CPS and continued monitoring duties in the PAC CPS, Roll Call room. Sergeant Langsdale was relieved of his monitoring duties by Sergeant C. Delatorre, Serial No. 33908, Metro.

Sergeant Delatorre continued monitoring Officers Nies, Lopez, and Wright until relieved by FID investigators.

Sergeant Ramos continued to monitor Officer Luna and transported Officer Luna to PAC CPS. Sergeant Ramos was relieved of his monitoring duties by Sergeant Gibbens in PAC CPS Detective Area. Sergeant Gibbens continued monitoring Officer Luna until relieved by FID investigators.

FINDINGS

Tactics – Tactical Debrief, Sergeant Yzaguirre.

Drawing/Exhibiting – Does Not Apply.

Unintentional Discharge – Administrative Disapproval, Negligent Discharge, Sergeant Yzaguirre.

ANALYSIS⁶

Detention

The NTUD occurred during Sergeant Yzaguirre's securing of his rifle in the rack of his police vehicle. The detention of Lachman was not a factor in this incident; therefore, the detention was not reviewed or evaluated.

Tactics

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance"* (*Los Angeles Police Department Manual, Volume 3, Section 792.05*).

Sergeant Yzaguirre's tactics were not a factor in this incident; therefore, they were not reviewed or evaluated. However, as Department guidelines require personnel who are substantially involved in a Categorical Use of Force incident to attend a Tactical Debrief, I have determined that it would be appropriate to recommend a Tactics finding of Tactical Debrief.⁷

During the review of this incident, the following Debriefing Point was noted:

- Firearms Manipulations – Basic Firearm Safety Rules

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

⁶ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the FID investigation.

⁷ A Tactical Debrief shall be conducted for all CUOF incidents within 90 calendar days of the conclusion of the BOPC review process. *LAPD Department Manual, Volume 3, Section 792.15*.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

At the time of this incident, Sergeant Yzaguirre had just arrived at the termination of a following for an Assault with a Deadly Weapon suspect and was attempting to secure his rifle into the rifle rack at the time of the NTUD. Sergeant Yzaguirre was not actively involved in the tactical situation. Therefore, Officer Yzaguirre was not evaluated on tactical de-escalation efforts.

Additional Tactical Debrief Topics

Securing Firearm – According to Sergeant Yzaguirre, he kept a holstered, but unsecured, back-up firearm in-between the front passenger seat and center console of his police vehicle. Sergeant Yzaguirre stated that he stored his back-up firearm in that manner for officer safety due to the risks inherent in being seated in a locked vehicle and the possibility of being approached by a dangerous suspect. The smaller and more readily accessible back-up firearm could be drawn and unholstered without having to complete a large movement inside the police vehicle; unlike a larger service pistol which could reveal that a police operation is ongoing if it was observed. Sergeant Yzaguirre is reminded that leaving a firearm unsecured in his police vehicle may allow unauthorized persons to gain access to the firearm if it is left unattended. I will direct Sergeant Yzaguirre to properly secure all weapon systems within his police vehicle and for this to be a topic of discussion during the Tactical Debrief.

Chambering a Round in a Rifle While Seated in Police Vehicle – The FID investigation revealed that Sergeant Yzaguirre removed his rifle from the interior rifle storage rack inside of his police vehicle while seated inside of his stopped police vehicle as he was still in the process of approaching the location. Although not prohibited or a violation of Department policy, the deployment and loading of a firearm while in the process of driving to a location could increase the possibility of a NTUD. At the time Sergeant Yzaguirre deployed his rifle, Lachman did not pose an imminent threat and Sergeant Yzaguirre's primary focus should have remained on the safe operation of his motor vehicle. I will direct this to be a topic of discussion during the Tactical Debrief.

Firearm Manipulations – The investigation revealed that Sergeant Yzaguirre unintentionally manipulated the selector switch of his rifle as he attempted to place his loaded rifle, with a

chambered round, in the interior rifle storage rack while seated in his police vehicle. There is an increased possibility of inducing an unintentional discharge when exhibiting and chambering a round in the rifle while seated inside of a police vehicle. I will direct this to be a topic of discussion during the Tactical Debrief.

Back-Up Request – The FID investigation revealed Sergeant Yzaguirre attempted to have an Air Unit respond for the following of an ADW suspect. Due to the Air Unit being busy he cancelled his request. Sergeant Yzaguirre, however, did not broadcast a following of an ADW suspect on PAC Area base frequency or any other frequency utilized by the Metro CIT team. I will direct this to be a topic of discussion during the Tactical Debrief.

Updating Status – The FID investigation revealed that Sergeant Yzaguirre did not update his or his units' status from 8001 Windsford Avenue to 8801 South Sepulveda Boulevard until after the tactical situation had been completed. I will direct this to be a topic of discussion during the Tactical Debrief.

Utilization of Personal Camera – The FID investigation revealed that prior to arrival of the FID investigators and TID personnel, Sergeant Yzaguirre utilized his personal camera to take photographs of crime scene to document the numerous vehicles that were present at the time of the NTUD. All photos taken were given to TID personnel upon their arrival and stored at TID. Sergeant Yzaguirre is reminded of post-categorical procedures and allowing the proper Department section to handle their assigned duties within the procedures for a Categorical Use of Force. I will direct this to be a topic of discussion during the Tactical Debrief.

Command and Control⁸

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (LAPD, Training Bulletin, Volume XLVII Issue 4, July 2018).

⁸ Training Bulletin-Command and Control was adopted by the Department July 31, 2018.

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

After the scene of the NTUD had been secured and it had been verified that there were no injuries due to the NTUD, Sergeant Yzaguirre began his notifications by contacting Lieutenant Murphy.

According to the FID investigation, after being advised of the NTUD by Sergeant Yzaguirre, Lieutenant Murphy notified the DOC and dispatched Sergeants Day, Rainey, and Ramos to the scene of the NTUD.

According to Sergeant Rainey, upon arrival at the scene of the NTUD, he declared himself Incident Commander.

According to Sergeant Day, upon arrival at the scene of the NTUD, Sergeant Day obtained Sergeant Yzaguirre's PSS and assumed monitoring duties of Sergeant Yzaguirre. Sergeant Day then transported Sergeant Yzaguirre to PAC CPS. Sergeant Day was relieved of his monitoring duties of Sergeant Yzaguirre by Sergeant Gibbens in the rear parking lot of PAC CPS.

Sergeant Gibbens continued monitoring Sergeant Yzaguirre until relieved by FID investigators.

Sergeant Ramos obtained a PSS from each of the "heard only" witnessing officers, and assumed monitoring duties of Officers Wright, Nies, Luna and Lopez. Sergeant Ramos was relieved of his monitoring duties for Officers Nies, Lopez and Wright by Sergeant Langsdale. Sergeant Ramos continued to monitor Officer Luna and transported Officer Luna to PAC CPS. Sergeant Ramos was relieved of his monitoring duties by Sergeant Gibbens in PAC CPS Detective Area. Sergeant Gibbens continued monitoring Officer Luna until relieved by FID investigators.

Sergeant Langsdale transported Officers Nies, Lopez, and Wright to PAC CPS and continued monitoring duties in the PAC CPS, Roll Call room. Sergeant Langsdale was relieved of his monitoring duties by Sergeant Delatorre.

Sergeant Delatorre continued monitoring Officers Nies, Lopez, and Wright until relieved by FID investigators.

The actions of Sergeant Yzaguirre attempting to deploy his rifle were not necessary as he had multiple officers already making contact with Lachman. Sergeant Yzaguirre should have remained available to supervise the tactical incident.

Note: Captain C. Valenzuela, Serial No. 33440, Assistant Commanding Officer, Metropolitan Division, advised that this issue was addressed through the issuance of a Notice to Correct Deficiencies (NTC). The Commanding Officer of Counter-Terrorism and Special

Operations Bureau (CTSOB) and the Director of the Office of Special Operations (OSO) concurred with this action. As such, I deem no further action is necessary.

The actions of Lieutenant Murphy, along with Sergeants Day, Rainey, Ramos, Langsdale, DeLaTorre, and Gibbens were consistent with Department supervisory training and met my expectations of field a supervisor during a critical incident.

Tactical Debrief

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvements could be made. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions that took place during this incident.

I will direct Sergeant Yzaguirre to attend a Tactical Debrief that shall include discussions pertaining to the Debriefing Topics along with the following mandatory topics:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

Sergeant Yzaguirre attended a GTU on November 13, 2019. All mandatory topics were covered, including Firearm Manipulations.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Unintentional Discharge

Firearms safety is critical. Officers must have the ability to draw, holster and manipulate weapons safely at all times, especially under stressful conditions. Firearms safety rules have been established based upon real life situations and are applicable at all times. Violations of any of the safety rules will not be tolerated.

Basic Firearm Safety Rules

1. *All guns are always loaded.*
2. *Never allow the muzzle to cover anything you are not willing to shoot.*
3. *Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot.*

4. *Be sure of your target.*

Officers are required to know and apply the Four Basic Firearm Safety Rules throughout their careers. These rules must be ingrained into an officer's natural thought process and become second nature. Any violation of the Four Basic Firearm Safety Rules may result in the unintentional discharge of a round. This is a serious matter with the potential of having tragic results. For administrative purposes, the unintended discharge of a weapon is classified into two categories:

1. *Accidental discharge: An unintended discharge of a firearm as a result of a mechanical malfunction of the firearm, not involving the shooter.*
2. *Negligent discharge: An unintended discharge of a firearm as a result of a shooter not handling a weapon in a safe manner, violating one or more of the four basic firearm safety rules (Los Angeles Police Department Firearms Manual, July 2015).*

Administrative Disapproval - Negligent Discharge. Finding where it was determined that the unintentional discharge of a firearm resulted from operator error, such as the violation of a firearm safety rule (Los Angeles Police Department Manual, Volume 3, Section 792.05).

Sergeant Yzaguirre – 5.56mm, Colt M4, Department issued rifle, one round, in an upward trajectory through the police vehicle roof.

According to Sergeant Yzaguirre, upon observing that the Metro CIT officers were getting compliance from Lachman, Sergeant Yzaguirre then attempted to place his rifle into the interior rifle storage rack of his police vehicle. On his first attempt it fell forward towards the in-dash vehicle navigation screen. Sergeant Yzaguirre grabbed the rifle with two hands. At some time, Sergeant Yzaguirre opined that he must have moved the safety to the off position. On his second attempt to place the rifle in the vehicle storage rack, the trigger post was placed into the trigger guard to secure the rifle in the vehicle storage rack. Sergeant Yzaguirre's efforts to place the rifle in the vehicle rifle storage rack caused the trigger to push backwards against the trigger post and caused the rifle to fire a round while the rifle was in the rack.

Sergeant Yzaguirre recalled,

I release my rifle that's in a rack in my Charger. I make it ready by loading – when I say ready, I have a round – I put a round in the fire by pulling the bolt release back and then sending it forward.⁹

I'm looking, but I'm still trying to put my rifle in the rack. It falls forward, because I'm trying to watch and kind of not really looking and it didn't fall – fall in. So when it falls

⁹ Sergeant Yzaguirre, Page 32, Lines 3-6

forward, I get it with two hands, try it again, and at that point somewhere along the line I must have knocked the safety off.¹⁰

The way this rack is designed, the – what holds it is putting it through the trigger guard. And what I did in there, it caused the trigger to push backwards and it fired a round while the rifle was in the rack.¹¹

The Chair of the UOFRB conducted a thorough review in evaluating the circumstances and evidence related to the NTUD. The Chair of the UOFRB determined that the NTUD was the result of operator error. Sergeant Yzaguirre failed to properly unload his rifle prior to placing it into the rifle storage rack. In addition, Sergeant Yzaguirre unintentionally disengaged the safety of his rifle and then placed his loaded rifle into the police vehicle's interior rifle storage rack with the rifle's safety disengaged which caused one round to discharge from the rifle.

Based on the totality of the circumstances, the Chair of the UOFRB determined and I concur, that the NTUD was the result of operator error. Additionally, Sergeant Yzaguirre failed to adhere to the Department's Basic Firearm Safety Rules, and therefore, requires a finding of Administrative Disapproval (AD), Negligent Discharge.

INJURIES

There were no injuries as a result of this NTUD.

ADDITIONAL/EQUIPMENT

Securing TASER on Tactical Vest – The FID investigation revealed that Sergeant Yzaguirre configured his tactical vest with his TASER positioned in a primary side draw position. Per Use of Force Tactics Directive No. 4.5, dated July 2018, the TASER is required to be carried on the support side of the duty belt in either a cross draw or support side draw position.

Captain Valenzuela advised that this issue was addressed through the issuance of a NTC. The Commanding Officer of CTSOB and the Director of the OSO concurred with this action. As such, I deem no further action is necessary.

Operation Plan – The investigation revealed Metro CIT personnel utilized a “Metro Crime Impact Team - Operation/Game Plan” form to document the tactical operation and not the Department approved Operation Plan, LAPD Form 12.22.00. The Metro Crime Impact Team - Operation/Game Plan form used during this incident captured all of the required information found on the Department approved Operation Plan. Captain Valenzuela advised that as a result of this incident, the Metro Crime Impact Team - Operation/Game Plan was no longer used by Metro personnel. Captain Valenzuela directed that Metro personnel only use the Department approved Operation Plan, LAPD Form 12.22.00. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

¹⁰ Sergeant Yzaguirre, Page 32, Lines 3-6 and Page 33, Line 1

¹¹ Sergeant Yzaguirre, Page 33, Lines 2-6

Required Equipment – The FID investigation revealed that Officers Wright and Nies were the designated arrest team and not equipped with BWV, despite being in full uniform and driving a marked black and white police vehicle. Captain Valenzuela advised that this issue with Officer Wright was addressed through the generation of a Supervisory Action Item (SAI) and the issuance of an NTC. Captain Valenzuela advised that this issue with Officer Nies was addressed through the generation of a SAI and Informal Counseling. The Commanding Officer of CTSOB and the Director of the OSO concurred with these actions. As such, I deem no further action is necessary.

Rifle Magazine Markings – The FID investigation revealed that Sergeant Yzaguirre did not indicate on the exterior of his rifle magazines the round count of the magazines. Sergeant Yzaguirre stated that his rifle magazines were brand new and he had not marked the exterior of the magazines with the round count for the magazines. Captain Valenzuela advised that this issue was addressed through the issuance of an NTC and the marking of the magazines. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

Rifle Loading Standards – The FID investigation revealed Sergeant Yzaguirre loaded his 30-round rifle magazine with 26 rounds, instead of 28 rounds as per Department procedure. The FID investigation revealed that Sergeant Yzaguirre did not count the rounds he loaded into his rifle magazine and instead utilized a clear window on the side of the magazine. Sergeant Yzaguirre believed the rounds to be in the correct location to indicate that 28 rounds had been loaded in the magazine. Captain Valenzuela advised that this issue was addressed through the issuance of a NTC. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, I deem no further action is necessary.

AUDIO / VIDEO RECORDINGS

Digital In-Car Video System (DICVS)/Body Worn Video (BWV) – Sergeant Yzaguirre's NTUD occurred while he was on-duty; however, due to working in a plainclothes surveillance capacity at the time, Sergeant Yzaguirre was not equipped with BWV and Sergeant Yzaguirre's police vehicle was not equipped with DICV.

Surveillance Video – A surveillance camera from the Ralph's parking lot recorded the Metro CIT officers detaining Lachman and placing him under arrest. The video footage did not record audio of the incident, nor the NTUD.

Respectfully,


MICHEL R. MOORE
Chief of Police

Date:

8-19-20

Employee (Last Name, First, Middle) Yzaguirre, Chris		Serial No. 27097	Rank/Class Sergeant II	Incident No. 051-19
Length of Employment 30 years, 0 months	Current Division Metropolitan	Time in Current Division 4 years, 5 months		
Use of Force Review Board		Chief of Police		Police Commission
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Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input checked="" type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input checked="" type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input checked="" type="checkbox"/> Negligent (Administrative Disapproval)		
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		
Notes:				
Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		<div style="float: right; text-align: right; margin-right: 20px;"> RECEIVED POLICE COMMISSION 2020 AUG 20 PM12:09 </div> <div style="clear: both; margin-top: 10px;"> Notes: </div>		

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.